

MINUTE ITEM

6

03/26/87
W 23905
Poe

General Permit - Protective Structure

Calendar Item C6, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item C6.

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CALENDAR ITEM

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03/26/87
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GENERAL PERMIT - PROTECTIVE STRUCTURE USE

APPLICANT: Peggy Homestead Trust
c/o James Schlect, Trustee
201 East Tahquitz Way, Suite 100
Palm Springs, California 92263-1906

AREA, TYPE LAND AND LOCATION: A 0.055-acre parcel of tide and submerged land, located in Richardson Bay, City of Belvedere, Marin County.

LAND USE: Existing riprap for shoreline protection.

TERMS OF PROPOSED PERMIT:
Initial period: Ten years beginning March 1, 1987.

Public liability insurance: Combined single limit coverage of \$100,000.

CONSIDERATION: The public health and safety; with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

APPLICANT STATUS: Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES: Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

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B. Cal. Adm. Code: Title 2, Div. 3; Title 14,
Div. 6.

AB 884:

08/11/87.

OTHER PERTINENT INFORMATION:

1. Subsequent to heavy winter storms in 1983, the applicant installed a riprap protective structure for stabilization and protection of the shoreline. This work was performed without proper permits from agencies having jurisdiction in the area. The applicant has since applied to the San Francisco Bay Conservation and Development Commission for a retroactive permit to cover the completed work, and has obtained permits from the United States Army Corps of Engineers and County of Marin.

Without the protective riprap, and related stability work (located outside State Lands jurisdiction) the upland property would continue to suffer from earth slides and shoreline erosion.

2. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by 2 Cal. Adm. Code 2954 is not applicable.
3. The annual rental value of the site is estimated to be \$1,500.

(ADDED 03/20/87)

CALENDAR ITEM NO. 006 (CONT'D)

4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Adm. Code 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

APPROVALS OBTAINED:

United States Army Corps of Engineers, and County of Marin.

FURTHER APPROVALS REQUIRED:

San Francisco Bay Conservation and Development Commission California.

EXHIBITS:

- A. Land Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).
2. AUTHORIZE ISSUANCE TO THE PEGGY HOMESTEAD TRUST, C/O JAMES SCHLECT, TRUSTEE, OF A TEN-YEAR GENERAL PERMIT - PROTECTIVE STRUCTURE USE BEGINNING MARCH 1, 1987; IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$100,000; FOR MAINTENANCE OF EXISTING RIPRAP UTILIZED FOR SHORELINE PROTECTION PURPOSES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
3. SAID PERMIT TO BECOME VOID IF PERMIT FOR STRUCTURE IS DENIED BY SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION.

(ADDED 03/20/87)

EXHIBIT "A"

LAND DESCRIPTION

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A parcel of tide and submerged land in the City of Belvedere, Marin County, California, described as follows:

BEGINNING at a point in the southwesterly line of the lands conveyed by the Quit Claim Deed from Jerry Ganz to Peggy Homestead Trust, James M. Schlecht, Trustee, which point is the most westerly corner of Lot 21, Block "A" as shown on that certain map entitled "Map of Resubdivision of Part of the City of Belvedere", recorded February 20, 1937 in Book 5 of Maps at page 68, Marin County Records; running thence from said point of beginning along the southwesterly line of said Lot 21 South $47^{\circ}15'$ East 28.00 ft.; thence South $37^{\circ}30'$ East 75.377 ft. to the most southerly corner of the aforesaid Quit Claim Deed to Peggy Homestead Trust; thence leaving said line and running South $37^{\circ}52'$ West 6.00 ft.; thence North $51^{\circ}41'$ West 89.15 ft.; thence North $45^{\circ}00'$ West 34.95 ft. and North $37^{\circ}52'$ East 24.35 ft. to a point in the southwesterly line of Lot 20, Block "A", map above mentioned, which point is the most westerly corner of the aforesaid Peggy Homestead Trust; thence along the southwesterly line of said Lot 20 South $47^{\circ}15'$ East 23.086 ft. to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

END OF DESCRIPTION

REVIEWED JANUARY 29, 1987 BY BOUNDARY SERVICES UNIT, M. L. SHAPER, SUPERVISOR

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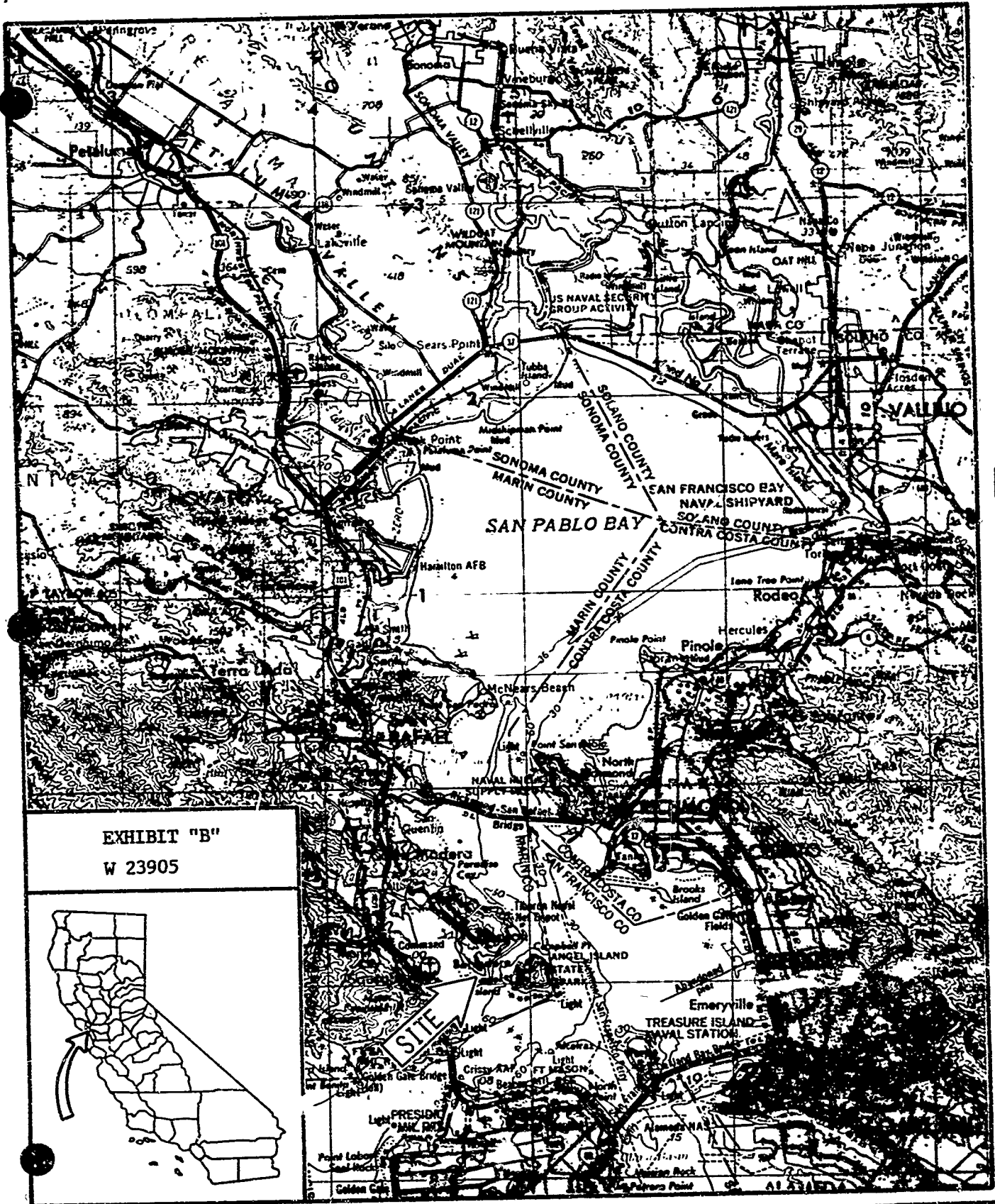


EXHIBIT "B"
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